

***Effective 5/3/2023***

***Superseded 7/1/2023***

**10-9a-534 Regulation of building design elements prohibited -- Exceptions.**

- (1) As used in this section, "building design element" means:
  - (a) exterior color;
  - (b) type or style of exterior cladding material;
  - (c) style, dimensions, or materials of a roof structure, roof pitch, or porch;
  - (d) exterior nonstructural architectural ornamentation;
  - (e) location, design, placement, or architectural styling of a window or door;
  - (f) location, design, placement, or architectural styling of a garage door, not including a rear-loading garage door;
  - (g) number or type of rooms;
  - (h) interior layout of a room;
  - (i) minimum square footage over 1,000 square feet, not including a garage;
  - (j) rear yard landscaping requirements;
  - (k) minimum building dimensions; or
  - (l) a requirement to install front yard fencing.
- (2) Except as provided in Subsection (3), a municipality may not impose a requirement for a building design element on a one- or two-family dwelling.
- (3) Subsection (2) does not apply to:
  - (a) a dwelling located within an area designated as a historic district in:
    - (i) the National Register of Historic Places;
    - (ii) the state register as defined in Section 9-8-402; or
    - (iii) a local historic district or area, or a site designated as a local landmark, created by ordinance before January 1, 2021, except as provided under Subsection (3)(b);
  - (b) an ordinance enacted as a condition for participation in the National Flood Insurance Program administered by the Federal Emergency Management Agency;
  - (c) an ordinance enacted to implement the requirements of the Utah Wildland Urban Interface Code adopted under Section 15A-2-103;
  - (d) building design elements agreed to under a development agreement;
  - (e) a dwelling located within an area that:
    - (i) is zoned primarily for residential use; and
    - (ii) was substantially developed before calendar year 1950;
  - (f) an ordinance enacted to implement water efficient landscaping in a rear yard;
  - (g) an ordinance enacted to regulate type of cladding, in response to findings or evidence from the construction industry of:
    - (i) defects in the material of existing cladding; or
    - (ii) consistent defects in the installation of existing cladding; or
  - (h) a land use regulation, including a planned unit development or overlay zone, that a property owner requests:
    - (i) the municipality to apply to the owner's property; and
    - (ii) in exchange for an increase in density or other benefit not otherwise available as a permitted use in the zoning area or district.